

REMARKS

The Applicants submit this Amendment and Response to the August 10, 2004 Office Action of the Examiner. By virtue of this amendment, claims 1-21 are pending in this application. In the present action, the Examiner indicated claims 4, 5, 9-11, and 12-18 contain allowable subject matter. The applicants respectfully thank the Examiner for the indication of allowable subject matter.

The Examiner objected to FIG. 2 because "the reference number '108' (the one below '104) should read --118 --." The applicants have submitted herewith a replacement FIG. 2 correcting this obvious typographical error. The applicants respectfully request that the Examiner withdraw the objection to FIG. 2.

The Examiner objected to the specification due to a number of informalities. First, the Examiner noted that "slizing" on page 5, line 18, should be -- slicing --. The applicants have submitted herewith a replacement paragraph correcting the obvious typographical error. Second, the Examiner noted that reference number "232" on page 7, line 13, did not appear on the drawings and should probably read -- 230 --. The applicants have submitted herewith a replacement paragraph correcting this obvious typographical error. Third, and final, the Examiner noted that reference number "238" on page 7, line 14, did not appear on the drawings. The applicants have added reference number 238 to FIG. 2 to indicate a corresponding catch as indicated in the replacement sheet 2/2 filed herewith. The applicants respectfully submit these changes are all obvious typographical errors and no new matter has been added to the patent application. The applicants respectfully request that the Examiner withdraw the objections to the specification.

The Examiner objected to claims 8, 12, and 16 for several informalities. First, the Examiner objected to claim 8 because in line 2 the recitation of "space" should be -- spare --. The applicants have amended claim 8 to correct this obvious typographical error. Claim 12 was objected to because the recitation of "slide" should be -- slider --. The applicants have amended claim 12 to correct this obvious typographical error.

Claim 16 was objected to because the recitation of “at least one notch” should be -- the at least one notch --. The applicants have amended claim 16 to correct this obvious typographical error. In view of the amendments to claims 8, 12, and 16, the applicants respectfully request that the Examiner withdraw the objections to claims 8 and 12-18.

The Examiner rejected claim 11 under 35 U.S.C. § 112, first paragraph, as “failing to comply with the written description requirement.” In particular, the Examiner stated it is not “clear exactly how the ‘C’ shape wall of the second cutting element holder enables the second cutting element snap into the ‘C’ shape.” The applicants respectfully submit the following explanation. Referring to FIG. 2, and the associated text in the written description, the application shows the holder 220 as having a back wall and two sidewalls forming a channel in which second cutting element 106 can fit. The back wall and two sidewalls forming a channel is conventionally referred to as a U channel. The applicants refer to a C channel because the C shape pinches in at the mouth of the channel. Thus, the second cutting element 106 can snap through the pinched mouth into the channel and is held in place. The applicants respectfully submit that with the above explanation the rejection of claim 11 under 35 U.S.C. § 112, first paragraph, is moot. However, to the extent the Examiner requires additional information, the applicants respectfully request the Examiner to call the undersigned at 303/295-8170 for clarification.

The Examiner rejected claims 4, 5, and 9-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner rejected claims 4 and 9 because the recitations of “the nub” and “the latch track” lacked sufficient antecedent bases. The applicants have amended claims 4 and 9 to overcome this rejection. The applicants respectfully request that the Examiner withdraw the rejection of claims 4, 5, and 9-11 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1-3, 6-8, and 19 under 35 U.S.C. § 102(b) as being “clearly anticipated by Davis (U.S. Patent No. 5,890,290).” The applicants respectfully

traverse this rejection. In particular, amended claim 1 recites a combination of elements including, for example, “a first cutting element, the first cutting element comprising a first standard utility knife blade; and a second cutting element, the second cutting element comprising a second standard utility knife blade,” which is not disclosed, suggested, or taught by Davis. Conversely, Davis teaches and uses specialty blades instead of a “standard utility knife blade.” For example, as one of ordinary skill in the art would recognize, the movable blade extending from surface 28 of the Davis device is what is traditionally known as a “break away blade” in the industry. When the cutting surface of a break away blade becomes dull, the blade is broken to expose a new sharp cutting surface. Conversely, the present invention is designed such that the first cutting element and the second cutting element both use standard cutting elements reducing expense and facilitating replacement of dull blades. In view of the foregoing, it is respectfully submitted that amended claim 1 is patentably distinct from Davis either alone or in any reasonable combination with the other references of record. Amended claim 19 contains limitations similar to amended claim 1 and, at least by virtue of this similarity, is patentably distinct from Davis either alone or in any reasonable combination with the references of record. Claims 2, 3, 6-8 depend directly or indirectly from amended claim 1 and, at least by virtue of this dependency, are patentably distinct from Davis either alone or in any reasonable combination with the references of record.

Moreover, claim 1 recites a combination of elements including, for example, “the handle comprises a body and a grip,” which is not disclosed by Davis either alone or in any reasonable combination with the references of record. Conversely, Davis discloses a handle comprising simply a body without a grip. Thus, at least for this additional reason, amended claim 1 is patentably distinct from Davis either alone or in any reasonable combination with the other references of record. Amended claim 19 contains limitations similar to amended claim 1 and, at least by virtue of this similarity, is patentably distinct from Davis either alone or in any reasonable combination with the

references of record. Claims 2, 3, 6-8 depend directly or indirectly from amended claim 1 and, at least by virtue of this dependency, are patentably distinct from Davis either alone or in any reasonable combination with the references of record.

Moreover, the configuration of the cutting elements in the present invention and Davis are significantly different. In particular, the present invention is configured to allow a push operation with the first cutting element whereas Davis states "of significance is the fact that rear end portion 18 has its blade 26 oriented with the edge facing inward from the hook rather than being on the opposite side as is conventional." The present invention is patentably distinct from Davis for this additional reason.

Based on the foregoing, the applicants respectfully request the Examiner withdraw the pending rejections and objections and allow claims 1-3, 6-8, and 19.

As mentioned above, the Examiner indicated claims 4, 5, and 9-18 would be allowable if rewritten to overcome objections and rejections indicated in the office action. The applicants respectfully submit that the amendments above place claims 4, 5, and 9-18 in condition for allowance as previously indicated by the Examiner. Thus, the applicants respectfully request the Examiner allow claims 4, 5, and 9-18.

Finally, new claims 20 and 21 depend from allowable claim 1. Thus, it is respectfully requested that claims 20 and 21 be allowed as well.

The Applicants believe they have submitted the proper fee for entry and consideration of this amendment, however any fee deficiency can be charged to Deposit Account 08-2623. Should any extensions of time not otherwise accounted for be required, consider this a petition therefore and charge Deposit Account 08-2623 the required fee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Kinnear', written over a horizontal line.

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In the drawings:

Subject to the approval of the Examiner, please replace original drawing sheet 2 of 2 with the replacement drawing sheet 2 of 2 submitted with the attached transmittal of replacement drawing.